

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PAIN MANAGEMENT
TECHNOLOGIES, INC.

*

Plaintiff,

* Civil Action No. 5:09cv1546

v.

* Judge Gaughan

* Magistrate Judge Gallas

MURRAY ELECTRONICS
ASSOCIATES, LP

* **JOIN MOTION FOR STAY OR IN THE
ALTERNATIVE THIRD EXTENSION
OF TIME TO MOVE OR PLEAD IN
RESPONSE TO PLAINTIFF'S
COMPLAINT AND REQUEST
FOR POSTPONEMENT OF
THE CASE MANAGEMENT
CONFERENCE**

Defendant.

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Now comes Plaintiff, Pain Management Technologies, Inc. ("Plaintiff"), and Defendant, Murray Electronics Associates, LP ("Defendant"), by and through counsel, and hereby move this Court for a stay of ninety (90) days from proceedings in the above captioned case or in the alternative for a third thirty (30) day extension of time for Defendant to respond to Plaintiff's Complaint and for a postponement of the Case Management Conference currently scheduled for October 14, 2009.

The parties previously stipulated and the Court granted two thirty day extensions of time. Defendant's response is currently due on September 30, 2009 and the Case Management Conference is currently set for October 14, 2009. The parties have used the time thus far allowed to exchange information, investigate their claims and defenses, and have engaged in frequent and

significant negotiation settlement discussions. To further these good faith efforts, the principals of the respective parties are scheduled to meet in-person on October 5, 2009.

While significant information has been exchanged about the patent at issue and Plaintiff's devices, the parties have not come to a resolution of whether Plaintiff's current or past uses of the patented technology may infringe the patent. There is a strong possibility that the scheduled in-person meeting of the principals may resolve this issue.

Further complicating resolution is the fact that there are several unnamed parties in interest in this case, including, on the defense side, the current owner of the patent as well as other parties with rights of enforcement of this patent. Additional claims or counterclaims may exist among the named parties and the several unnamed Defendants. If the parties are able to resolve the question of patent infringement before Defendant files an Answer, it is hoped that some of these related issues may be negotiated outside of court.

For the foregoing reasons, the parties respectfully request that this Court enter an Order granting a ninety (90) day stay of the proceedings and all filing deadlines thereto, or, in the alternative, grant Defendant a further extension of time through October 30, 2009 to move, plead, or otherwise respond to Plaintiff's Complaint postponing the Case Management Conference currently set for October 14, 2009.

Respectfully submitted,

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Counsel for Plaintiff
Pain Management Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2009 a copy of the foregoing Joint Motion for Stay or in the Alternative Extension of Time to Move, Plead, or otherwise Respond to Plaintiff's Complaint and for Postponement of Case Management Conference was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Gregory J. Krabacher